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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,054	06/05/2002	Yoshiyuki Nakano	086142-0514	2115

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EXAMINER

HAYES, BRET C

ART UNIT

PAPER NUMBER

3644

DATE MAILED: 06/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/064,054

Applicant(s)

NAKANO ET AL.

Examiner

Bret C Hayes

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3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☒ Claim(s) 6,7 and 12-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other: .  |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: [0004], line 1, “to pulls” should be to --pull--, line 5, “pretensioner” should be --pre-tensioner--; [0016], line 2, “1(a)” and “1(b)” should be --2(a)-- and --2(b)--, respectively; [0024], line 5, “s” should be --is--; [0035], line 10, “By holding wire 3 at an angle by bending the wire 3 in this way,” is two prepositional phrases and should be separated or joined with --and--, line 12, it is unclear what is meant by “the repulsive property of the wire 3”; [0037], line 4, second “4c” should be --4d--; and reference character 12 has been disclosed as both “a connecting member” and “a sub-bracket,” which, for clarity, can be either but cannot be both.

Appropriate correction is required.

### *Claim Objections*

2. Claims 1, 2, 6 and 12 – 14 are objected to because of the following informalities.
3. Re – claims 1 and 2, lines 2 and 3, respectively, “the seat belt” should be --the seatbelt--.
4. Re – claim 6, line 1, “the first mentioned compressible member” can be --the first compressible member--.
5. Re – claim 12, line 2, “the direction” should be --a direction--.
6. Claims 13 and 14, lines 3 and 6 of each, “the seat belt” should first be recited as --a seat belt-- with any subsequent recitations being --the seat belt-- or --said seat belt--, for clarity.
7. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

9. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Claim 12 recites the limitations "the wire" in line 2, and "the pre-tensioner" in line 3. There is insufficient antecedent basis for these limitations in the claim. Examiner argues that there is no basis in the claims for the pre-tensioner to move, but that there is basis for its member to move.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1 – 4, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,588,677 to Kopetzky et al. ('677).

13. '677 discloses the invention as claimed. '677 discloses: (claim 1) a seat belt device comprising a pre-tensioner, see Figs. 1 and 2, for example, for tensioning a seatbelt 16 by moving a member 25 connected to the seatbelt; and a shock absorbing mechanism 15, 21 and 22, for absorbing shock resulting from stopping the movement of the member 25; (claim 2) wherein the mechanism 15, 21 and 22, includes a compressible member 22 that compresses to absorb the shock created by movement of the member 25 connected to the seatbelt; (claim 3) wherein the compressible member 22 includes accordion folds, see Fig. 1; (claim 4) wherein the

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compressible member **22** includes a compressible portion (**22**) and a rigid portion (examiner's number **22'**; (claim 9) wherein the member **25** connected to the seatbelt **16** comprises a buckle **17**; and (claim 11) further comprising a wire **13**, **13'**, **13''**, connected to the member **25** and connected to the pre-tensioner.

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 5 – 8, 10 and 12 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over '677 as applied to claims 1 – 3 and 11 above.

16. Re – claim 5, '677 discloses the claimed invention including the compressible member **22** configured to begin compressing immediately upon movement of the moving member **25** due to operation of the pre-tensioner. However, '677 does not disclose a second compressible member so configured. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a second compressible member so configured, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

17. Re – claim 6, '677 discloses the claimed invention as applied to claim 5 above except for the first member **22** being configured to begin compressing after the second member has undergone a predetermined amount of compression. It would have been an obvious matter of design choice to so configure any plurality of compressible members, since Applicant has not

disclosed that a second member solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with only the first member **22**.

18. Re – claim 7, '677 discloses the claimed invention as applied to claims 4 and 5 above except for the compression of a second member being limited by a rigid portion of the first member **22**. It would have been an obvious matter of design choice to so configure any plurality of compressible members, since Applicant has not disclosed that a second member being limited by a rigid portion of the first member **22** solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with only the first member **22**.

19. Re – claim 8, '677 discloses the claimed invention as applied to claim 5 above. '677 discloses the member **22** covering a wire **13'**, **13"**, connected to the pre-tensioner. It would have been obvious to further cover the wire **13'**, **13"**, using a second member.

20. Re – claim 10, '677 discloses the claimed invention except for the member **25** connected to the seatbelt comprising a lap anchor. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the member **25** connected to the seatbelt comprise a lap anchor, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japiske*, 86 USPQ 70.

21. Re – claim 12, '677 discloses the claimed invention as applied to claim 10 above, further including the mechanism **15**, **21** and **22**, being configured to hold the wire **13**, **13'**, **13"**, at a predetermined angle from a direction in which the member **25** moves.

22. Re – claims 13 and 14, '677 as applied to claims 1 – 12 above discloses the claimed invention.

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***Conclusion***

Any inquiry concerning this communication should be directed to Bret Hayes at telephone number (703) 306-0553. The examiner can normally be reached Monday through Friday from 6:00 am to 6:30 pm, Eastern Standard Time.

If attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan, can be reached at (703) 306-4159. The fax number for this group is (703) 305-7687.

bh

6/19/03

*Charles T. Jordan*  
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